

Manteca, California
October 25, 2011

The Board of Directors of the South San Joaquin Irrigation District met in regular session in their chambers at the hour of 9:00 a.m.

Upon roll call the following members were noted present:

DIRECTORS: KAMPER HOLBROOK HOLMES KUIL ROOS

Also present were General Manager Shields, Steve Emrick, General Counsel and Engineering Department Manager Bologna.

President Holbrook called the meeting to order and Director Kamper led the salute to the flag.

Holbrook asked for public comment. There being no public comment, the Board was asked to consider the following Consent Calendar Items.

CONSENT CALENDAR

- A. Warrants of \$794,264.61
- B. Regular Board Meeting Minutes of October 11, 2011.
- C. Adopt Resolution #11-15-P, Authorizing the Sale of District Property.

RESOLUTION NO 11-15-P AUTHORIZING THE SALE OF DISTRICT PROPERTY

WHEREAS, the South San Joaquin Irrigation District (SSJID) may, for valuable consideration, dispose of any property of the District which it finds to be no longer necessary for District purposes; and

WHEREAS, the District owns a fee interest in a 40 foot wide strip of land located at the intersection of Main Street and Wetmore Road, Manteca, and adjacent to San Joaquin County Assessor's Parcel Numbers 221-030-18 and 221-040-08 belonging to the City of Manteca, and

WHEREAS, said strip of land was acquired by virtue of a deed acquisition per deed recorded in Book 1103, Page 126 of Official Records, San Joaquin County records on November 17, 1947, being more particularly described in attached Exhibit "A"; and

WHEREAS, there are no District facilities located within said strip and the District has no need to utilize the strip for facilities in the foreseeable future; and

WHEREAS, the Board of Directors finds that payment of the sum of \$129,056 and all costs associated with the transfer of title is valuable and adequate consideration for the conveyance; and

WHEREAS, it is in the best interest for the District to transfer its fee interest in the subject property in exchange for the established consideration; and

WHEREAS, the District's fee interests are not "surplus land" within the Government Code section 54221 (b) since the interests are not capable of park and recreational development; and

WHEREAS, the proposed conveyance is categorically exempt under the Environmental Quality Act as a class 12 project pursuant to 14 Cal. Adm. Code sections 15112 since the surplus government property does not have significant values for wildlife habitat or environmental purposes and the property is of such size and shape that it is incapable of independent development or use;

NOW, THEREFORE BE IT RESOLVED AND ORDERED THAT:

1. The foregoing findings are true.
2. The President and Secretary of the District are authorized to execute a quit-claim deed disposing of the District's fee interests in the strip of land described above to owner, without warranties of title and conditioned on owner assuming all costs associated with transfer

BE IT FURTHER RESOLVED AND ORDERED that the General Manager is authorized and directed to take all actions and execute such documents as may be necessary to accomplish the foregoing..

PASSED AND ADOPTED on this 25th day of October, 2011.

- D. Adopt Resolution 11-16-P, Authorizing the Conveyance by Quitclaim of Easement by the District.

**SOUTH SAN JOAQUIN IRRIGATION DISTRICT
RESOLUTION NO. 11-16-P
RESOLUTION AUTHORIZING THE CONVEYANCE BY QUITCLAIM
OF EASEMENT BY THE DISTRICT**

WHEREAS, the SOUTH SAN JOAQUIN IRRIGATION DISTRICT, hereinafter referred to as "District", is the title holder of an easement for Lateral "Vg 137 dd" by virtue of easements recorded on August 24, 1950 in Book of Official Records Vol. 1273, Page 397, San Joaquin County Records, and Book 1829, Page 262 of Official Records recorded on January 19, 1956 in San Joaquin County hereinafter referred to as "Subject Property", and further described in the attached Exhibit "A", and

WHEREAS, owner of property encumbered by said easement belongs to Frank J. Borges, hereinafter referred to as "Owner", and

WHEREAS, District plans to relocate Lateral "Vg 137 dd" in conjunction with the District's Division 9 Irrigation Enhancement Project, and

WHEREAS, the District's easement interest is surplus to its needs, and

WHEREAS, it is in the best interest of the District to abandon said easement and facilities, and

WHEREAS, the relinquishment of easement and transfer of pipeline will coincide with improvements related to the relocation of District facilities in conjunction with the Division 9 Irrigation Enhancement Project, and

WHEREAS, the District's Board of Directors finds as follows:

1. The foregoing findings are true
2. The District's interest in the Subject Property proposed to be quitclaim deeded is no longer necessary for District purposes, and
3. The proposed disposition of the District's Easement in the Subject Property is categorically exempt under California Environmental Quality Act as Class 12 Project pursuant to 14 CA Adm. Code of Regulations 15112 since the surplus government property does not have significant value for wildlife habitat or other environmental purposes and the property is of such size and shape that it is incapable of independent development or use.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the South San Joaquin Irrigation District hereby authorize the President and Secretary execute on behalf of the District a quitclaim deed to the Owner disposing of the District's interest in the Subject Property.

PASSED AND ADOPTED this 25th day of October, 2011.

E. Approve Irrigation Service Abandonment Agreement #1628, Michael Henry, APN 226-140-01, 1.06 Ac.

President Holbrook had a question concerning the legal description attached to Resolution 11-16-P. Bologna agreed that the legal description attached in the packet was incorrect. Emrick asked if it be the Board's pleasure to postpone approval of Resolution 11-16-P until later in the meeting so that Bologna could attach the correct legal description or if the Board would prefer having it put on the next Board meeting agenda. Holbrook said that they would rule on Resolution 11-16-P later in the meeting.

Motion by Kamper, seconded by Kuil to approve the Consent Calendar items A, B, C & E as presented.

PASSED AND ADOPTED on this 25th day of October, 2011 by the following roll call vote:

Ayes: Kamper Holbrook Holmes Kuil Roos

ACTION CALENDAR

Item #1, Division 9 Update. President Holbrook welcomed Jeff Shaw, Field Manager from Stantec. Jeff Shields told the Board that two representatives from the Bureau of Reclamation toured the project last week. He said they were very pleased with what they saw. Jeff Shaw reported that piping has slowed due to harvest but is expected to pick up

next week. 35 to 40% of the piping is complete. Shotcrete activities began yesterday in the basin and should be completed in five to six working days. The Contractor will start on turnouts next month. Letters to landowners will be sent out soon to confirm location of turnouts. Jeff told the Board that one issue of concern is pipeline that is located in actively farmed areas. He and Sam have discussed posting signs in those areas to help farmers remain aware of where the pipeline is located. Director Holbrook thanked Jeff for the update.

Item #2, Directors and staff reports on the CSDA Conference held in Monterey, October 10-13. Thornburg, Shields, Emrick, Kuil and Roos attended the Conference. They all agreed that it was a good conference. The District gets extra credit points toward our Workers Compensation Insurance when Directors attend the conference. This translates into cost savings on our Worker's Comp Insurance premium. Shields reported on three of the sessions he attended; the SDRMA annual members meeting, a Legislative Review session and Fish, the Delta and your Water Supply. Roos said he attended sessions on the power of great relationships, prevailing wage and labor compliance programs. Kuil said the conference had great motivational speakers and it was good to hear new ideas. Emrick said he attended sessions that covered different propositions that may affect how the District sets its rates. Thornburg said that the conference is a good place to make contacts in the human resource field.

Item #3, Approve Rental Agreement with Machado for property owned by the District on Austin Road (APN 208-070-24&35). After a brief discussion, Kamper made a motion to approve the rental agreement with the understanding that it will be put out to bid next year. Motion was seconded by Kuil. Motion passed 4-1 with Roos voting no.

Item #4, Approve a 36 month lease for a Lanier LW 5100 Plotter to be used in the Engineering Department. Michael O'Leary addressed the Board. He explained that we have been leasing the same plotter for the last six years. We can get a new updated all in one plotter for one hundred dollars less a month than we are currently paying. The Engineering Department uses the plotter to produce blueprints for various District Projects as well as for scanning all of the current blueprints into digital format for electronic storage. Director Kuil asked why we didn't go for a 48 month lease since the cost per month would be less. Michael said that if the District goes into retail electric we may need a more advanced plotter. After a brief discussion it was moved by Kuil, seconded by Holmes to enter into a four year lease agreement with MoCal Office Solutions at a cost of \$497.00 a month for the Lanier LW5100 plotter. Motion passed 4-1 with Roos voting no.

President Holbrook called for Directors reports.

Director Kuil reminded the other Board members about Safety Day on November 1. This year they will be in charge of the bbq.

Director Holbrook reported the following:

- John Coleman is running for Vice President of ACWA and is asking for the District's support.
- At the Tri-Dam meeting; CH2M Hill was hired to prepare a business operations plan and a \$5,000 donation was approved to go for the Capital Christmas tree.

- Handed out a map showing FEMA's proposed remap of the local flood plain
- Senate Bill 5 that was discussed at the Water Advisory Board Meeting.

Holbrook asked for Managers Reports:

Bill Hubkey WTP Manager reported that GE has held off the delivery of the V3's until December.

Bere Lindley, Finance Administration Department Manager handed out Septembers Monthly Statements and Investments Report.

Troylene Saylor, Communications Coordinator:

- Capital Christmas Tree will be in Manteca on November 8 at Yosemite and Main Streets between 5-7 p.m.
- Senior breakfast scheduled for November 19. Reminded the Board that their participation is needed. Anticipate a record crowd.

General Manager Jeff Shields reported the following:

- Irrigation Season has been extended to November 1st.
- Handed out Water Usage and Tri-Dam Operations reports.
- Will be making a presentation on New Melones and Biological Opinion issues to Twain Hart Rotary Club on Wednesday, October 26.
- Handed out the Safety Day Agenda
- SJRGA meeting on October 28. Director Kamper will be attending.
- Delta Stewardship Council Agenda for Thursday the 27th is the release of the "Delta Plan EIR".
- Held a staff budget workshop last week. A draft budget will be presented to the Board on November 8.
- Approved the following Structure Permits as shown on Division 9 Plans:
 - 1). Melody Zuidervaart, APN 257-290-08 & 257-290-10, to install Type I valve & Type IV valve on Div. 9 Line G @ Sta. 53+50 +/-
 - 2). Paul Tremayne, APN 257-260-38, to install 8" Type I turnout on Div. 9 Spur Line E @ Sta. 14+50 +/-
 - 3). Lucille Silva, APN 257-220-03 to install 10" Type I valve on Div. 9 Line E @ Sta. 16+38.95 +/-
 - 4). Merlin Mohler, APN 257-180-10&11 to install Type I turnouts on Div. 9 Line B @ Sta. 118+25 & 127+15 +/-
 - 5). Cornelius DeJong, APN 257-240-31 to install Type IV turnout on Div. 9 Line C @ 23+35.55 +/-
 - 6). John Van Till, APN 257-230-08 to install 10" Type I turnout on Div. 9 Spur Line M @ 23+02.58 +/-
 - 7). Jake Weststeyn, APN 257-140-07 to install 10" Type I turnout on Div. 9 Spur Line M @ 23+34.34 +/-
 - 8). Clarence Schuiling, APN 257-240-25 to install 8" Type VI turnout on Div. 9 Spur Line G @ 16+27 +/-
 - 9). Allan Bishop, APN 257-260-14 to install 6" turnout Type I on Div. 9 Spur Line A @ Sta. 89+46.41 +/-
 - 10). Marvin Den Dulk, APN 257-270-04 to install 8" turnout Type VI on Div. 9 Spur Line A @ Sta. 83+57.16 +/-

- 11).Vera Almeida, APN 257-260-39 to install 10” turnout, Type VII on Div. 9 Spur Line E @ Sta. 16+20+/-
- 12).Sam McGinnis, APN 257-210-03 to install 8” Type I turnout on Div. 9 Line A @ Sta. 94+00+/-
- 13).Patrick Visser, APN 257-260-19 to install 8” Type I turnout on Div. 9 Line F @ Sta. 33+00+/-
- 14).Donald Schaapman, APN 257-270-06 to install 8” turnout Type I on Div. 9 Spur Line A @ Sta. 83+17.16
- 15).Mark Fisher, APN 257-240-23 to install 8” Type I turnout on Div. 9 Line A @ Sta. 43+20+/-
- 16).John Schaapman, APN 257-240-32 to install 8” Type I turnout on Div. 9 Line D @ Sta. 69+66.62+/-
- 17).William Emslie, APN 257-240-57&58 to install 10” turnout Type I on Div. 9 Line D @ Sta. 48+96.54+/-

President Holbrook called for a five minute recess. Upon returning, Holbrook reconvened the meeting. Bologna provided the Board with the correct legal description to be attached to Resolution 11-16-P. Motion by Kuil, seconded by Kamper to adopt Resolution 11-16-P. Motion passed by the following roll call vote: Kamper Kuil Holbrook. Absent from the Board Room at the time of the vote were Holmes and Roos.

Director Holbrook called for Closed Session.

General Counsel announced the Board would be discussing Items 6 a. b. & c. under Closed Session.

- a. CONFERENCE WITH LEGAL COUNSEL-Anticipated Litigation
Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9- 2 cases
- b. CONFERENCE WITH LEGAL COUNSEL- Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 - 2 cases and,
Various water quality proceedings before State Water Resources Control Board—Delta Flow Criteria, San Joaquin River Flow Objectives
- c. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
Government code 54956.9(a).-2 cases

Cleo Diane Johnson v. SSJID Case No. 39-2011-00268620 (San Joaquin County)

Department of Transportation v. SSJID Superior Court, San Joaquin County Case No. 39-2011-00264346-CU-E1-STK

Upon returning to Open Session, President Holbrook announced that the Board had made the following ruling in Closed Session. In regards to item 6 c., the Board made a ruling

to file a cross complaint in the case of Cleo Johnson vs. SSJID against parties to be named later. The matter passed 4-1 with Roos voting no.

There being no further business to come before the Board it was moved by Director Kamper, seconded by Director Holmes to adjourn to the next regularly scheduled meeting to be held Tuesday, November 8, 2011. Motion carried unanimously.

ATTEST: _____
Cheryl Burke, Executive Secretary